

JAMES A. DOSTAL,)
)
 Plaintiff,)
)
 vs.) **Case No. 4:18-CV-1434 PLC**
)
 NANCY A. BERRYHILL,)
 Deputy Commissioner of Operations,)
 Social Security Administration,)
)
 Defendant.)

This case is before the Court on Defendant Nancy A. Berryhill’s motion to reverse the decision of the administrative law judge (ALJ) and remand the case to Defendant pursuant to sentence four of 42 U.S.C. § 405(g). [ECF No. 15] Plaintiff responded, stating “no objection” to Defendant’s motion to reverse and remand. [ECF No. 16]

On April 1, 2019, Defendant filed the instant motion to reverse and remand the case to Defendant for further action under sentence four of 42 U.S.C. § 405(g), which permits the Court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant represents that, in preparing the brief in support of

Defendant's answer, agency counsel determined that remand was necessary "for further evaluation of Plaintiff's claim." [ECF No. 15] Defendant states that, upon receipt of the Court's remand order, "the Appeals Council will remand this case to the [ALJ] who will be directed to obtain additional vocational expert testimony and resolve any apparent conflicts between Plaintiff's ability to reach overhead and the reaching requirements of the jobs testified to by vocational expert in the Dictionary of Occupational Titles." [Id.]

Based on the record, the Court grants Defendant's unopposed motion to reverse the ALJ's decision and remand this matter to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Accordingly,

IT IS HEREBY ORDERED that Defendant's unopposed motion to reverse and remand [ECF No. 15] is **GRANTED**.

A separate judgment in accordance with this Memorandum and Order is entered this same date.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 16th day of April, 2019